



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.[MD].No.3000 of 2020

and

CRL.M.P.[MD]Nos.1582 & 1583 of 2020

R.N.Jagadeesan

... Petitioner / Accused

Vs.

M/s.Agarwal Coal Corporation Pvt. Ltd.,
Thorough its Power Agent,
Amresh Choudhary,
Branch Office At
No.5, 158, Aruna Nagar,
Caldwell Colony,
Tuticorin - 8.

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.178 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi and quash the same.

For Petitioner : Mr.C.Muthusaravanan

ORDER

This Criminal Original Petition is filed to quash the final report filed in C.C.No.178 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi.

2. It is the case of the respondent before the trial Court that the petitioner issued a cheque dated 24.03.2014 for a sum of Rs.1,00,00,000/- (Rupees One Crore only) towards the supply of non-cooking coal. When the above cheque was presented for encashment, through his banker, the same was dishonored for the reason "fund insufficient". After issuing statutory notice, the proceedings has been initiated which was taken cognizance by the trial Court. As against the same, the present petition has been filed.

3. Heard the submissions of the learned counsel appearing for the petitioner and perused the materials available on record.

4. On a perusal of the records it is seen that all the allegations made in the complaint have to be tested before the trial court. There are several grounds have been raised in this



petition, there is no legal ground has been made. Therefore, merely on the basis of the submissions and the grounds raised in the petition, this Court cannot assume the role of trial Court to decide the factual aspect. Further, as the cheque in question was issued by the petitioner, it is for him, to bring the probabilities to dislodge the legal presumption attached under the Negotiable Instruments Act under Sections 118 and 139 of Negotiable Instruments Act, 1881. Hence, this Court is not inclined to quash the proceedings as against the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed. At this stage, the learned counsel appearing for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioner before the trial Court. Accordingly, the personal appearance of the petitioner is dispensed with before the trial Court except for the hearing dates, receiving the copies, framing the charges, questioning under Section 313 Cr.P.C., and at the time of passing judgment or any other dates that may be fixed by the Trial Court. The trial Court shall expedite the trial and dispose of the case in C.C.No.178 of 2019 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

VSM

To

The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Thoothukudi.

+1 CC to M/s.C. MUTHU SARAVANAN, Advocate (SR-22552[F] dated
29/04/2022)

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MGJ(12.05.2022) 2P 3C